

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-44048 of 2015 (O&M)

Date of decision: 24.04.2017

Gurmit Kaur

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Parminder Singh-I, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

Respondent No.2 in person
with Mr. Arun Abrol, Advocate.

REKHA MITTAL J. (Oral)

The petitioner has invoked Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking quashing of complaint No.764 dated 15.06.2012 titled '*State through Sukhwinder Kaur vs Harjit Singh and others*' under Sections 323, 341, 354 of the Indian Penal Code (in short 'IPC') and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act'), summoning order dated 30.10.2010 (Annexure P2) passed by the Judicial Magistrate Ist Class, Phagwara and order dated 24.04.2012 (Annexure P5) whereby the petitioner was declared as a proclaimed offender, on the basis of compromise dated 28.03.2015 (Annexure P7) arrived at between the parties.

Counsel for the petitioner would submit that summoning order in the present case was issued on 30.10.2010 and the petitioner

along with other co-accused were ordered to be summoned for 16.12.2010. However, the petitioner was wrongly declared as proclaimed offender vide order dated 24.04.2012 as she had left the country on 13.07.2010 as is clear from the document (Annexure P4). Further argued that the petitioner surrendered before the Court below and was enlarged on bail vide order dated 25.07.2016 passed by the Additional Sessions Judge, Kapurthala, therefore, order declaring proclaimed offender is of no consequence. It is further argued that other accused namely Harjit Singh @ Laddi, Parminder Singh @ Pindu and Gurmail Singh were acquitted of the charges framed against them vide judgment dated 30.05.2012 passed by the Additional Sessions Judge, Kapurthala. Dispute between the parties has been settled by way of compromise (Annexure P7), thus, continuation of criminal proceedings on the basis of aforesaid complaint would be nothing but abuse and misuse of process of law.

Sukhwinder Kaur, complainant/respondent No.2 filed her short affidavit dated 24.04.2017 with regard to settlement of dispute between the parties. A relevant extract from paras 3 and 4 of the affidavit reads as follows:-

“3. That with the intervention of the village panchayat and respectables, the matter was compromised between the petitioner and the deponent on 28.03.2015 (Annexure P7) and a specific affidavit (Annexure P8) with regard to the compromise was also deposed by the deponent on 06.11.2015 with her own sweet will.

4. That the deponent has left no grievance against the petitioner. The deponent has no objection if the complaint No.764 dated 16.06.2012 under Sections 323,

341, 354 IPC and Section 3 of the SC & ST Act, 1989 (Annexure P1) and all subsequent proceedings arising out of the complaint are quashed/dimissed.”

Not only this, the complainant/respondent No.2 – Sukhwinder Kaur got recorded her statement dated 24.04.2017 and an extract therefrom reads as follows:-

Statement of Sukwinder Kaur wife of Surjit Pal daughter of Jeet Ram, aged 33 years, resident of village Bohani, Tehsil Phagwara, District Kapurthala.

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Complaint No.764 dated 15.06.2012 under Sections 323, 341 and 354 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was filed by me against Gurmeet Kaur and others in which Gurmeet Kaur – petitioner was declared as a proclaimed offender. The proceedings against the other accused have culminated in judgment of acquittal passed by the Additional Sessions Judge, Kapurthala on 30.05.2012. Dispute between the petitioner and me has been settled by way of compromise (Annexure P7). I have filed my short affidavit today in the Court which may be read as a part of my statement. I have got no objection, if the aforesaid complaint and proceedings emanating therefrom are ordered to be quashed. Gurmeet Kaur – petitioner appeared in the Court below and was released on bail in terms of order dated 22.01.2016 passed by this Court.

RO&AC
24.04.2017

(REKHA MITTAL)
JUDGE

I have heard counsel for the parties, perused the paperbook particularly compromise deed dated 28.03.2015 (Annexure P7), affidavit of the complainant dated 24.04.2017 and her statement

recorded before this Court.

Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court in “*Madan Mohan Abbot vs State of Punjab*”, (2008)4 SCC 582 and “*Gian Singh vs State of Punjab and another*”, 2012(4) R.C.R. (Criminal) 543, and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would tantamount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In this view of the matter, the petition is allowed. Complaint No.764 dated 15.06.2012 under sections 323, 341, 354 IPC and Section 3 of the Act, summoning order dated 30.10.2010 as well as order dated 24.04.2012 and proceedings emanating therefrom stand quashed *qua* the petitioner.

(REKHA MITTAL)
JUDGE

24.04.2017
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No